

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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LUZ M. TAMAYO,

Plaintiff,

v.

AMERICAN CORADIUS  
INTERNATIONAL, L.L.C.

Defendant.

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**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441(b), and 1446, Defendant Amercian Coradius International, L.L.C. ("ACI"), by its attorney, hereby removes this action from the Superior Court of New Jersey, Law Division – Special Civil Part, Hudson County, to the United States District Court for the District of New Jersey. In support of this Notice of Removal, ACI states as follows:

1. Plaintiff Luz M. Tamayo originally commenced this action by filing a Complaint against ACI in the Superior Court of New Jersey, Law Division – Special Civil Part, Hudson County, where it is presently captioned as *Luz M. Tamayo v. American Coradius International, L.L.C.*, Docket No.: DC-021040-11. No further proceedings before the State court have occurred.

2. In the Complaint, Plaintiff alleges statutory causes of action against ACI. A true and correct copy of Plaintiff's Complaint is attached hereto as Ex. "A."

3. Plaintiff accuses ACI of violating the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*

4. ACI was served with Plaintiff's Summons and Complaint on or about October 6, 2011.

5. This Court has federal question jurisdiction over Plaintiff's claim pursuant to 28 U.S.C. §§ 1331 and 1441(b) in that the claims are "founded on a claim or right arising under the . . . laws of the United States . . ."

6. This Notice of Removal is timely, having been filed within thirty (30) days of the date on which ACI was served with Plaintiff's Complaint. See 28 U.S.C. § 1446.

7. Written notice of this Notice of Removal of this action is being immediately provided to the Superior Court of New Jersey, Law Division – Special Civil Part, Hudson County. *See* Ex. "B."

8. Written notice of this Notice of Removal of this action is being caused to be served on counsel for the Plaintiff.

WHEREFORE, Defendant American Coradius International, L.L.C. gives notice that this action is removed from the Superior Court of New Jersey, Law Division – Special Civil Part, Hudson County, to the United States District Court for the District of New Jersey.

Dated: November 3, 2011

Respectfully submitted



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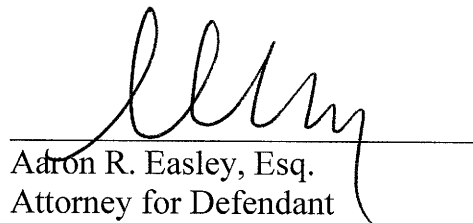
Aaron R. Easley, Esq.  
SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.C.  
200 Route 31 North, Suite 203  
Flemington, NJ 08822  
Phone: (908) 751-5940  
Fax: (908) 751-5944  
[aeasley@sessions-law.biz](mailto:aeasley@sessions-law.biz)  
Attorney for Defendant  
American Coradius International, L.L.C.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of November 2011, a copy of the foregoing **Notice of Removal to the United States District Court for the District of New Jersey** was served by Federal Express upon the Clerk of the Court and via regular mail upon the parties at the below address:

Yaakov Saks, Esq.  
Law Offices of Matthew E. Rose  
209 Main Street  
Fort Lee, NJ 07024  
Phone: (201) 482-8111 x136  
Facsimile (201) 482-8190  
Email: [ysaks@theroselaw.com](mailto:ysaks@theroselaw.com)  
Attorney for Plaintiff  
Luz M. Tamayo

By:

  
\_\_\_\_\_  
Aaron R. Easley, Esq.  
Attorney for Defendant  
American Coradius International, L.L.C.

**EXHIBIT "A"**

**SPECIAL CIVIL PART SUMMONS AND RETURN OF SERVICE – FORM B - PAGE 2****Plaintiff or Plaintiff's Attorney Information:**

Name:

Law Office of Matthew Rose

Address:

209 Main StreetFort Lee, NJ, 07024Telephone No.: (201) 482 - 8111Demand Amount: \$ 15000Filing Fee: \$ 50

Service Fee: \$ \_\_\_\_\_

Attorney's Fees: \$ \_\_\_\_\_

**TOTAL** \$ 15050**SUPERIOR COURT OF NEW JERSEY****LAW DIVISION, SPECIAL CIVIL PART**HUDSON COUNTY595 Newark AvenueJersey City, NJ 07306(201) 795 - 6000**DC-021040-11**Luz Tamayo

, Plaintiff(s)

versus

American Coradious International

, Defendant(s)

Docket No:

(to be provided by the court)

**Civil Action****SUMMONS**(Circle one): ☒ Contract or ☐ Tort**Defendant(s) Information: Name, Address & Phone:**American Coradious International, LLC2420 Sweet Home Rd., Ste. 150, Amherst, NY 14228Date Served: **10/06/2011****RETURN OF SERVICE IF SERVED BY COURT OFFICER (For Court Use Only)**

Docket Number: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 WM \_\_\_ WF \_\_\_ BM \_\_\_ BF \_\_\_ OTHER \_\_\_ HT \_\_\_ WT \_\_\_ AGE \_\_\_ MUSTACHE \_\_\_ BEARD \_\_\_ GLASSES \_\_\_  
 NAME: \_\_\_\_\_ RELATIONSHIP: \_\_\_\_\_  
 Description of Premises: \_\_\_\_\_

I hereby certify the above to be true and accurate:

\_\_\_\_\_  
Court Officer**RETURN OF SERVICE IF SERVED BY MAIL (For Court Use Only)**

I, Maria Garde, hereby certify that on 10/06/2011, I mailed a copy of the within summons and complaint by regular and certified mail, return receipt requested.

\_\_\_\_\_  
Employee Signature

The Law Offices of Matthew E. Rose, Esq. P.C.  
209 Main Street 2<sup>nd</sup> Floor  
Fort Lee, NJ, 07024  
(201) 482-8111 – Telephone  
(201) 482-8190 – Facsimile  
Attorneys for Plaintiff  
Luz Tamayo

FILED Sep 28, 2011

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION SPECIAL CIVIL PART  
HUDSON COUNTY**

Luz Tamayo  
Plaintiff,

v.

American Coradious International, LLC,  
Defendant(s).

Docket No. DC-021040-11

PLAINTIFF'S COMPLAINT

Yaakov Saks Esq.

Yaakov Saks, of full age, hereby certifies as follows:

**Complaint**

1. This is an action under the **Fair Debt Collection Practices Act**, hereinafter “FDCPA,” 15 U.S.C. § 1692(a) against debt collector American Coradious International, LLC.
2. This is an action for invasion of privacy against defendant American Coradious International, LLC.

**Parties**

3. Plaintiff, Luz Tamayo, is an adult residing in Hudson County, New Jersey.
4. Defendant American Coradious International, LLC is located at 2420 Sweet Home Rd., Ste. 150, Amherst, NY 14228.
5. Defendant American Coradious International, LLC is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a (6).
6. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a (3).

**Factual Allegations**

7. American Coradious International, LLC attempted to collect a debt that falls within the definition of “debt” for purposes of 15 U.S.C. § 1692a(5).



8. Defendant American Coradious International, LLC is misrepresenting the amount owed, if indeed any debt exists.
9. American Coradious International, LLC repeatedly made harassing calls to Plaintiff during their collection efforts.
10. Plaintiff was caused mental suffering and shame as a result of receiving repeated and continuous harassing telephone calls from American Coradious International, LLC.

#### **Claims for Relief**

American Coradious International, LLC is liable under FDCPA 15 U.S.C. § 1692e(2) for misrepresenting the amount owed on the alleged debt.

Additionally, American Coradious International, LLC made harassing calls to Plaintiff during their collection efforts in violation of FDCPA 15 U.S.C. § 1692d(5).

American Coradious International, LLC invaded Plaintiff's right of privacy by placing repeated and continuous telephone calls to Plaintiff that would be considered highly offensive to a reasonable person. As a result of American Coradious International, LLC's harassing communications, Plaintiff was caused shame, mental suffering, headaches and loss of sleep.

As a result of the above violations of the FDCPA, Defendant is liable to Plaintiff for actual damages, statutory damages which can be up to \$1,000, and costs and attorneys fees. As a result of invading Plaintiff's privacy, American Coradious International, LLC is liable for actual damages.

Wherefore, Plaintiff respectfully submits that judgment in the sum of \$15,000 be entered against Defendants for the following:

- A. Actual Damages resulting from the drop in Plaintiff's credit score, and Plaintiff's inability to continue Plaintiff's normal way of life.
- B. Actual Damages resulting from Plaintiff's inability to gain credit.
- C. Actual Damages resulting from a denial of a potential loan modification due to the negative credit reporting.
- D. Actual damages in the form of emotional damages for the stress and anxiety placed upon Plaintiff as a result of Defendant's illegal collections.
- E. Actual damages in the form of headaches, loss of sleep, shame, and mental suffering for the stress and anxiety suffered by Plaintiff from the invasion of Plaintiff's privacy.
- F. Statutory Damages pursuant to 15 U.S.C. § 1692(k) up to \$1000.
- G. Filing and attorneys fees.
- H. For such other and further relief as may be just and proper.

Respectfully submitted,

The Law Offices of Matthew E. Rose, Esq. P.C.  
Attorneys for Plaintiff  
Luz Tamayo  
By: Yaakov Saks September 19, 2011



Rule 4:51-1 Certification

The undersigned attorneys for the plaintiff certify that the matter in controversy is not the subject of any other action pending in any Court or a pending arbitration proceeding, nor is any other action or arbitration proceeding contemplated. I certify that confidential person identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7b.



The Law Offices of Matthew E. Rose  
209 Main Street 2<sup>nd</sup> Floor  
Fort Lee, NJ, 07024  
(201) 482-8111 – Telephone ext. 136  
(201) 482-8190 – Facsimile

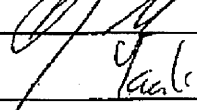
### Out of State Certification

Yaakov Saks, of full age, hereby certifies as follows:

1. Defendant American Coradious International, LLC is located at 2420 Sweet Home Rd., Ste. 150, Amherst, NY 14228.
2. Defendant American Coradious International, LLC does not have an address in New Jersey, but is subject to jurisdiction in New Jersey since it does business in the State.

#### Certification

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: 09/21/2011 Signature:  Yaakov Saks

The Law Offices of Matthew E. Rose, Esq. P.C.  
209 Main Street 2<sup>nd</sup> Floor  
Fort Lee, NJ, 07024  
(201) 482-8111 – Telephone ext 136  
(201) 482-8190 – Facsimile  
Attorneys for Plaintiff  
Luz Tamayo

September 19, 2011

Dear Sir/Madam:

Enclosed please find Plaintiff's complaint.  
Additionally, enclosed is a summons and out of state certification for 2 defendants.

Very truly yours,  
The Law Office of Matthew E. Rose, Esq. P.C.

Yaakov Saks  
For the Firm



RECEIVED #8  
SEP 28 2011  
SUPERIOR COURT OF N.J.  
FILED OFFICE  
COUNTY OF HUDSON

THE SUPERIOR COURT OF NEW JERSEY

Law Division, Special Civil Part

SUMMONS

**YOU ARE BEING SUED!**

**IF YOU WANT THE COURT TO HEAR YOUR SIDE OF THIS LAWSUIT, YOU MUST FILE A WRITTEN ANSWER WITH THE COURT WITHIN 35 DAYS OR THE COURT MAY RULE AGAINST YOU. READ ALL OF THIS PAGE AND THE NEXT PAGE FOR DETAILS.**

In the attached complaint, the person suing you (who is called *the plaintiff*) briefly tells the court his or her version of the facts of the case and how much money he or she claims you owe. **You are cautioned that if you do not answer the complaint, you may lose the case automatically**, and the court may give the plaintiff what the plaintiff is asking for, plus interest and court costs. If a judgment is entered against you, a Special Civil Part Officer may seize your money, wages or personal property to pay all or part of the judgment and the judgment is valid for 20 years.

You can do one or more of the following things:

1. *Answer the complaint.* An answer form is available at the Office of the Clerk of the Special Civil Part. The answer form shows you how to respond in writing to the claims stated in the complaint. If you decide to answer, you must send it to the court's address on page 2 and pay a \$ 15.00 filing fee with your answer and send a copy of the answer to the plaintiff's lawyer, or to the plaintiff if the plaintiff does not have a lawyer. Both of these steps must be done within 35 days (including weekends) from the date you were "served" (sent the complaint). That date is noted on the next page.

AND/OR

2. *Resolve the dispute.* You may wish to contact the plaintiff's lawyer, or the plaintiff if the plaintiff does not have a lawyer, to resolve this dispute. **You do not have to do this unless you want to.** This may avoid the entry of a judgment and the plaintiff may agree to accept payment arrangements, which is something that cannot be forced by the court. Negotiating with the plaintiff or the plaintiff's attorney will not stop the 35 day period for filing an answer unless a written agreement is reached and filed with the court.

AND/OR

3. *Get a lawyer.* If you cannot afford to pay for a lawyer, free legal advice may be available by contacting Legal Services at (201) 792-6363. If you can afford to pay a lawyer but do not know one, you may call the Lawyer Referral Services of your local county Bar Association at (201) 798-2727.

If you need an interpreter or an accommodation for a disability, you must notify the court immediately.

La traducción al español se encuentra al dorso de esta página.

  
Clerk of the Special Civil Part

## EL TRIBUNAL SUPERIOR DE NUEVA JERSEY

División de Derecho, Parte Civil Especial

### NOTIFICACIÓN DE DEMANDA

#### ¡LE ESTÁN HACIENDO JUICIO!

**SI UD. QUIERE QUE EL TRIBUNAL VEA SU VERSIÓN DE ESTA CAUSA, TIENE QUE PRESENTAR UNA CONTESTACIÓN ESCRITA EN EL TRIBUNAL DENTRO DE UN PERÍODO DE 35 DÍAS O ES POSIBLE QUE EL TRIBUNAL DICTAMINE EN SU CONTRA. PARA LOS DETALLES, LEA TODA ESTA PÁGINA Y LA QUE SIGUE.**

En la demanda adjunta, la persona que le está haciendo juicio (que se llama *el demandante*) da al juez su versión breve de los hechos del caso y la suma de dinero que alega que Ud. le debe. Se le advierte que si Ud. no contesta la demanda, es posible que pierda la causa automáticamente y el tribunal dé al demandante lo que pide más intereses y costas. Si se registra una decisión en su contra, es posible que un Oficial de la Parte Civil Especial (Special Civil Part Officer) embargue su dinero, salario o bienes muebles para pagar toda o parte de la adjudicación, y la adjudicación tiene 20 años de vigencia.

**Usted puede escoger entre las siguientes opciones:**

1. *Contestar la demanda.* Puede conseguir un formulario de contestación en la Oficina del Secretario de la Parte Civil Especial. El formulario de contestación le indica cómo responder por escrito a las alegaciones expuestas en la demanda. Si Ud. decide contestar, tiene que enviar su contestación a la dirección del tribunal que figura en la página 2, pagar un gasto de iniciación de la demanda de \$ 15.00 dólares y enviar una copia de la contestación al abogado del demandante, o al demandante si el demandante no tiene abogado. Tiene 35 días (que incluyen fines de semana) para hacer los trámites a partir de la fecha en que fue "notificado" (le enviaron la demanda). Esa fecha se anota en la página que sigue.

#### ADEMÁS, O DE LO CONTRARIO, UD. PUEDE

2. *Resolver la disputa.* Posiblemente Ud. quiera comunicarse con el abogado del demandante, o el demandante si el demandante no tiene abogado, para resolver esta disputa. No tiene que hacerlo si no quiere. Esto puede evitar que se registre una adjudicación y puede ser que el demandante esté de acuerdo con aceptar un convenio de pago lo cual es algo que el juez no puede imponer. Negociaciones con el demandante o el abogado del demandante no suspenderán el término de 35 días para registrar una contestación a menos que se llegue a un acuerdo escrito que se registra en el tribunal.

#### ADEMÁS, O DE LO CONTRARIO, UD. PUEDE

3. *Conseguir un abogado.* Si Ud. no tiene dinero para pagar a un abogado, es posible que pueda recibir consejos legales gratuitos comunicándose con Servicios Legales (Legal Services) al (201) 792-6363. Si tiene dinero para pagar a un abogado pero no conoce ninguno puede llamar a Servicios de Recomendación de Abogados (Lawyer Referral Services) del Colegio de Abogados (Bar Association) de su condado local al (201) 798-2727.

Si necesita un intérprete o alguna acomodación para un impedimento, tiene que notificarlo inmediatamente al tribunal.

  
Secretario de la Parte Civil Especial

## TRIAL ADJOURNMENT PROCEDURE FOR HUDSON COUNTY

Until further notice, the following procedure is to be followed when requesting an adjournment of a scheduled trial date in the Superior Court, Law Division Civil or Special Civil Part.

Any request for an adjournment in the Law Division Civil is to be made in writing or by FAX [(201) 217-5249], addressed to Antoinette Outwater, Civil Division Manager, attention Tracey Pignatelli, Trial Calendar Coordinator, 583 Newark Avenue, Jersey City, New Jersey, 07306. For a trial date scheduled in the Special Civil Part, the adjournment request is to be directed to Rupert Haller, Assistant Civil Division Manager, attention Donna Koncewicz, Special Civil, again in writing or by FAX [(201) 795-6053]. Requests are to include the following information:

- a) Name of case and docket number;
- b) Scheduled trial date;
- c) Name of party requesting the adjournment;
- d) The specific reason(s) for the adjournment; and
- e) A representation to the court that the requesting party has informed all other parties of the request for adjournment.

The party requesting the adjournment should first contact all adversaries advising them of the trial readiness problem and attempt to reach an agreement as to when all parties will be ready to proceed with the trial not later than 30 days after the date presently scheduled. This will require all involved persons to contact their respective clients and witnesses. The requesting party should advise in the letter requesting the adjournment that he/she has conversed with all other parties and that they have or have not consented to the adjournment request and/or have or have not agreed upon a new trial date.

No one should assume that the adjournment request will be granted. Adjournments shall be confirmed or denied by the court by telefax or telephone communication to the party who requested the adjournment. **For your information, your request for any adjournment will be initially acted upon by a court staff person. If you are aggrieved by the determination that is made, you should then request that your application be presented to the Presiding Judge for consideration. In that event, the Presiding Judge will make the ultimate decision on your adjournment request and you will be advised accordingly.** It shall then be the obligation of the requesting party to timely advise all other parties whether the adjournment request was granted or denied and, if granted, to advise of the new trial date fixed by the court.

**All requests for adjournment of hearings, trials and complementary dispute resolution events shall be made to the clerk's office as soon as the need is known, but absent good cause for the delay not less than 5 days before the scheduled court event. (R 6:4-7)**

If an attorney is designated as trial counsel and is actually in trial elsewhere in the Superior Court, Hudson County will mark its case Aready hold~, subject to counsel's trial availability. Likewise, if an attorney is designated as trial counsel and is scheduled for trial on an older case on the same day but in a different county, then Hudson County will mark its case Aready hold~, subject to counsel's disposition of the older case.

Effective: May 2003 (revised 03/04/09)

Peter Bariso, J.S.C.



**EXHIBIT "B"**

SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.C.  
200 Route 31 North, Suite 203  
Flemington, NJ 08822  
Phone (908) 751-5940  
Fax (908) 751-5944  
Attorneys for Defendant  
American Coradius International, L.L.C.

LUZ M. TAMAYO,

Plaintiff,

v.

AMERICAN CORADIUS  
INTERNATIONAL, L.L.C.,

Defendant.

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – SPECIAL CIVIL PART,  
HUDSON COUNTY**

**DC-021040-11**

**NOTICE OF FILING OF  
NOTICE OF REMOVAL TO THE  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

TO: Clerk of the Court  
Superior Court of New Jersey  
Law Division, Special Civil Part  
Hudson County  
595 Newark Avenue  
Jersey City, NJ 07306

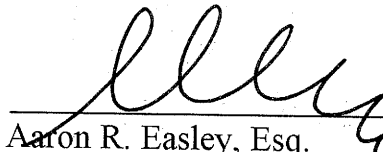
Yaakov Saks, Esq.  
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Phone: (201) 482-8111 x136  
Facsimile (201) 482-8190  
Email: [ysaks@theroselaw.com](mailto:ysaks@theroselaw.com)  
Attorney for Plaintiff  
Luz M. Tamayo

PLEASE TAKE NOTICE that this action has been removed to the United States District Court for the District of New Jersey. Attached hereto as Exhibit "1" is a copy of the Notice of Removal filed in the United States District Court effecting such removal.

PLEASE TAKE FURTHER NOTICE that in accordance with 28 U.S.C. § 1446(d), the Superior Court of New Jersey, Law Division – Special Civil Part, Hudson County, shall proceed no further in this action unless and until the action is remanded by the United States District Court for the District of New Jersey.

Dated: November 3, 2011

Respectfully submitted



Aaron R. Easley, Esq.  
SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.C.  
200 Route 31 North, Suite 203  
Flemington, NJ 08822  
Phone: (908) 751-5940  
Fax: (908) 751-5944  
[aeasley@sessions-law.biz](mailto:aeasley@sessions-law.biz)  
American Coradius International, L.L.C.

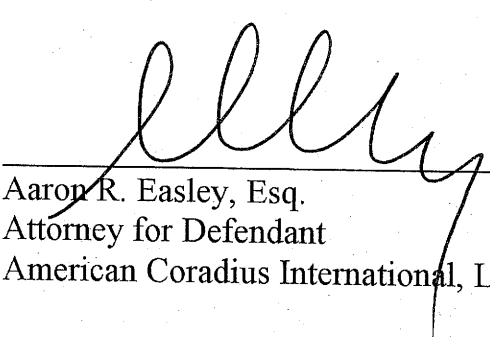
**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of November 2011, a copy of the foregoing **Notice of Filing of Notice of Removal to the United States District Court for the District of New Jersey** was served by Federal Express upon the Clerk of the Court and via regular mail upon the parties at the below addresses:

Clerk of the Court  
Superior Court of New Jersey  
Law Division, Special Civil Part  
Hudson County  
595 Newark Avenue  
Jersey City, NJ 07306

Yaakov Saks, Esq.  
Law Offices of Matthew E. Rose  
209 Main Street  
Fort Lee, NJ 07024  
Phone: (201) 482-8111 x136  
Facsimile (201) 482-8190  
Email: [ysaks@theroselaw.com](mailto:ysaks@theroselaw.com)  
Attorney for Plaintiff  
Luz M. Tamayo

By:

  
\_\_\_\_\_  
Aaron R. Easley, Esq.  
Attorney for Defendant  
American Coradius International, L.L.C.